

PUERTO RICAN LEGAL DEFENSE
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M E M O R A N D U M

TO : Linda Flores, President
FROM: Richard Rivera
RE : Conference on: ECONOMIC RIGHTS FOR THE PUERTO RICAN
COMMUNITY
DATE: January 22, 1988

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NCBL member*

At your request, this memorandum is intended to outline an idea which you and I have informally discussed over the past several months, i.e., PRLDEF's sponsorship of a multi-disciplinary conference focused on SECURING FULL ECONOMIC RIGHTS FOR THE PUERTO RICAN COMMUNITY IN NEW YORK.

A. BACKGROUND

Published data repeatedly tell us that the Puerto Rican community is mired in poverty. According to these indicators, we form a disproportionate share of the homeless, ill-fed, and ill-housed population; of those who are stricken with AIDS; of the unemployed and underemployed; of those living below the official poverty line; and, of those dependent upon governmental assistance. Our children drop out of school in greater numbers than any other ethnic group, large segments of our people cannot afford to obtain quality medical care even with medicaid and medicare, and too many of our families are headed by single parent (mostly female), unemployed parents who cannot get jobs because they lack the skills, education, and freedom from family obligations they need to obtain work. This has been true even though official government economic statistics have announced general economic advancement for the economy as a whole.

Does PRLDEF as a civil rights organization have a role to play in offering solutions for these problems? If so, what should that role be?

B. PRLDEF's INVOLVEMENT

Certainly, PRLDEF has taken on these issues through its litigation and education programs. For example, through litigation it has helped establish the right to bilingual education in New York City's public schools (ASPIRA); it has opened up civil service employment opportunities for Puerto Ricans in New York City (GUARDIANS); it has helped desegregate and create housing for Puerto Ricans through Fair Housing Litigation (WILLIAMSBURG); and, it has succeeded in protecting and expanding voting rights for our communities in the Northeast (TORRES). And, through our education division we have increased the number of Puerto Rican lawyers admitted to the Bar. Without a doubt, these accomplishments have had local and national impact that benefited Puerto Ricans and all minority groups in the country.

C. ECONOMIC DISCRIMINATION

While significant, our litigation victories responded to traditional forms of discrimination based upon ethnic origin. During the Reagan years, however, we have seen a renewed attack on the poor as a class, and Puerto Ricans are a large part of that class. Legislation or public policies and programs that discriminate against the poor discriminate against Puerto Ricans just as surely as ethnically biased civil service exams or obviously race-related exclusion from public housing.

In this context, fair housing legislation is of little use to minorities when the stock of low and moderate income housing is dwindling and rent levels are beyond their means. Similarly, equal employment legislation is no help when the unemployed lack the skills needed to compete for jobs.

Traditional civil rights litigation has been largely unable to successfully attack public economic decisions that have obvious racial impacts or to secure substantive remedies for this type of discrimination. This is because proof of such discrimination requires years (often decades) of monitoring before clear patterns emerge, courts will defer to legislative decisions regarding socio-economic policy, and the federal constitution has been held not to provide protection against discrimination based on poverty.

D. ECONOMIC RIGHTS CONFERENCE

Should PRLDEF address issues of economic discrimination? How? How would such involvement impact on our organizational goals, priorities, resources, personnel, structure, and funding?

These are some of the questions that the proposed conference would try to answer by drawing on the people who know most about the relevant social, economic, and legal issues affecting our community, how they directly impact on the Puerto Rican community, and how these problems should be addressed. Among the topics such a conference would address are:

- The social-economic statistics demonstrating the Puerto Rican community's historical and current realities (e.g., income, employment, housing, education, health, etc.). This could be done by distributing the literature that already exists and having one presenter who would synthesize the information (e.g., Frank Bonilla).

- Non-litigation strategies and issues:

- innovative approaches leading to the creation of housing and jobs, and improvements in health, education, etc.
- strategies for improving the employability of Puerto Rican workers (e.g., job skill training, creation of day care services, etc.)
- legislative strategies
- availability of funds and how our community can get and use them most effectively

- How do City, State, and Federal government economic development policies and programs help or hinder the Puerto Rican community?
 - How do government tax policies combat or perpetuate economic underdevelopment among the poor?
 - What private and public programs exist that we are underutilizing or not using well?
 - What interests do foundations have in these areas, what are they doing, and how can our community participate?
 - The role of community-based organizations (CBOs), which CBOs have been successful and why, and what novel approaches CBOs are taking.
- The potential for litigation to solve these problems
 - What can civil rights organizations like PRLDEF do in this area

Although difficult to ensure, such a conference should not be allowed to become a political forum providing an opportunity for standard political platitudes. To allow this to happen would cause the effort to be a waste of time, money, and opportunity.

All participants should be required to make written as well as oral presentations setting forth their ideas and proposals. The sessions should be divided into workshops. Written presentations can be distributed, and the sessions could be taped for duplication through audio-cassette.

Within reason, all relevant groups should be able to participate: community groups from around the City, CBOs, funded/non-funded groups, incorporated/un-incorporated groups, lawyers (constitutional rights, land use, tax strategies, employment, education, health, etc.), social scientists and sociologists, doctors, educators, low and moderate income housing developers, and planners.

The assignment for the presenters is not just to state the problems but to offer strategies for their solution. Wherever possible and relevant, the presenter should discuss how an organization like PRLDEF could most effectively be involved in these efforts.

We should also consider having an institution like CUNY Law School, whose dean is both nationally respected and on our Board of Directors, co-sponsor or endorse the conference.

I have outlined what I consider the optimal conference. In terms of organization, expense, resources, logistics, etc., it would be a challenge to accomplish. It would also be a challenge to avoid "re-inventing the wheel," produce significantly different and better ideas, and successfully put into practice those ideas thought to be achievable and worthwhile.

This appears to be a good time for organizing such an effort, however, given upcoming national and local elections, a state Governor who has often stated his concern for the poor and minorities and for educational rights, and the expected changes in the structure of city government (i.e., the Charter Revision Commission).

Finally, the aim of such a conference is not to eliminate what PRLDEF does. It is, rather, to adjust our role to current realities, develop ideas for complementing what we do, and act as a catalyst for finding ways to address those problems that most affect our community.

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